7-26-01   A

07/24/01

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	SP-1093.3
First Inventor	Wong, et al.
Title	Ultra Pure Vegetable Protein Materials
Express Mail Label No.	EL605957850US

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. [X] **Fee Transmittal Form** (e.g., PTO/SB/17)
   (Submit an original and a duplicate for fee processing)

2. [ ] Applicant claims small entity status. See 37 CFR 1.27.

3. [X] **Specification** [*Total Pages* 29]
   (preferred arrangement set forth below)
   - Descriptive title of the invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure

4. [0] **Drawing(s)** *(35 U.S.C. 113)* [*Total Sheets* 0]

5. [ ] **Oath or Declaration** [*Total Sheets*]

   a. [ ] Newly executed (original or copy)

   b. [ ] Copy from a prior application (37 CFR 1.63 (d))
      (for continuation/divisional with Box 18 completed)

      i. [ ] **DELETION OF INVENTOR(S)**
      Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. [X] **Application Data Sheet.** See 37 CFR 1.76

7. [ ] CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. **Nucleotide and/or Amino Acid Sequence Submission**
   (if applicable, all necessary)
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] paper
   c. [ ] Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [ ] Assignment Papers (cover sheet & document(s))

10. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)*   [ ] Power of Attorney

11. [ ] English Translation Document *(if applicable)*

12. [X] Information Disclosure Statement (IDS)/PTO-1449   [X] Copies of IDS Citations

13. [X] Preliminary Amendment

14. [X] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*

15. [ ] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. [ ] Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. [X] Notification of Filing or Continuing Divisional or Continued Prosecution Application, Added Pages For Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed.

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:*

[ ] Continuation   [ ] Divisional   [X] Continuation-in-part (CIP)   of prior application No.: 08/996,976

Prior application information: *Examiner* Ware, D.   *Group Art Unit:* 1651

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

[ ] Customer Number or Bar Code Label   *(Insert Customer No. or Attach bar code label here)*   or [X] Correspondence address below

Name	RICHARD B. TAYLOR
Address	P. O. BOX 88940
City	ST. LOUIS
State	MO
Zip Code	63188
Country	USA
Telephone	314-982-3004
Fax	314-982-2424

Name (Print/type)	RICHARD B. TAYLOR	*Registration No. (Attorney/Agent)*	37248
Signature		*Date*	7/24/01

FEE TRANSMITTAL
for FY 2001

Patent fees are subject to annual revision.

Complete if Known	
Application Number	
Filing Date	
First Named Inventor	Wong, et al.
Examiner Name	Ware, D.
Group Art Unit	1651

TOTAL AMOUNT OF PAYMENT	($2,294.00)	Attorney Docket No.	SP-1093.3

METHOD OF PAYMENT

1. [X] The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-0421

Deposit Account Name: Protein Technologies International, Inc.

[ ] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

[ ] Applicant claims small entity status. See 37 CFR 1.27

2. [ ] Payment Enclosed:
[ ] Check [ ] Credit Card [ ] Money Order [ ] Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) ($710.00)

2. EXTRA CLAIM FEES

	Extra Claims	Fee from Below	Fee Paid
Total Claims	108 -20**= 88	x 18.00 =	1,584.00
Independent Claims	3 - 3**= 0	x 80.00 =	-0-
Multiple Dependent			=

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($1,584.00)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge – late filing fee or oath	
127	50	227	25	Surcharge – late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($)

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	RICHARD B. TAYLOR	Registration No. (Attorney/Agent)	37248	Telephone	314-982-3004
Signature				Date	7/24/61

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of   :   Wong, et al.
Prior Serial No.   :   08/996,976
Filed   :   12/23/97
Examiner   :   Ware, D.
Art Unit   :   1651
For: Ultrapure Vegetable Protein Material
Assistant Commissioner for Patents
Washington, DC 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number: **EL605957850US**

Date of Deposit: 7-24-01
I hereby certify that the attached: **Utility Patent Application Transmittal, (2) Fee Transmittals, Notification of Filing of Continuing, Divisional or Continued Prosecution Application, Application Data Sheet 37 C.F.R. § 1.76, (2) New Application Transmittal, Added Pages For Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed, Preliminary Amendment Submitted With Continuation-In-Part Application Filed Under C.F.R. § 1.53 (b) for 08/996,976, Version With Markings to Show Changes Made, Specification, Information Disclosure Statement, and Information Disclosure Statement By Applicant Form 1449** is/are being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to:

> Box Non-Fee Amendment
> Assistant Commissioner for Patents
> Washington, DC 20231

Dated: 7-24-01

Melanie Schacht
Melanie Schacht

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wong et al.

Application No.: 0 8 /996,976   Group No.:   1651
Filed: 12/23/97   Examiner: Ware, D.
For: ULtrapure Vegetable Protein Material

Assistant Commissioner for Patents
Washington, D.C. 20231

NOTIFICATION OF FILING OF CONTINUING, DIVISIONAL OR CONTINUED PROSECUTION APPLICATION

Notification is hereby being made of the filing of a:

- ☐   continuation
- ☒   continuation-in-part
- ☐   divisional
- ☐   continued prosecution

application for this case

- ☐   concurrently herewith.
- ☒   on _____ 7/24/01 _____ .
                                Date

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10
(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

      37 C.F.R. § 1.8(a)   **37 C.F.R. § 1.10***

☐ with sufficient postage as first class mail.   ☒ as "Express Mail Post Office to Addressee" Mailing Label No. _____ (mandatory)

               TRANSMISSION   EL605957850US

☐ transmitted by facsimile to the Patent and Trademark Office.

Melanie D. Schacht
                       Signature

Date: __7/24/01__

          __Melanie D. Schacht__
         (type or print name of person certifying)

*WARNING: Each paper or fee filed by Express Mail **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).*
*"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

Reg. No. 37,248

Tel. No.: (314) 982-3004

Customer No.:

SIGNATURE OF PRACTITIONER

Richard B. Taylor

(type or print name of practitioner)

P. O. Box 88940

P.O. Address

St. Louis, MO 63188

Preliminary Classification:

   Proposed Class:

   Subclass:

NOTE: *"All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'"* *M.P.E.P. § 601, 7th ed.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Theodore M. Wong, David A. Singer and Santa H. Lin (Deceased)

   WARNING: *37 C.F.R. § 1.41(a)(1) points out:*

     "(a) A patent is applied for in the name or names of the actual inventor or inventors.

     "(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): Ultrapure Vegetable Protein Material

CERTIFICATION UNDER 37 C.F.R. § 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date ___7/24/01___, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number __EL605957850US__, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Melanie D. Schacht
(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

WARNING: *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).*
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant

WARNING: *Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.*

WARNING: *Do not use this transmittal for the filing of a provisional application.*

NOTE: *If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.*

- ☐ Divisional.
- ☐ Continuation.
- ☒ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

NOTE: *A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:*

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in § 1.51(b); or

(iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or

(iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: *If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.*

WARNING: *If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.*

☒ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

__19__ Pages of specification

__10__ Pages of claims

_____ Sheets of drawing

(complete the following, if applicable)

☐ The enclosed drawing(s) are photograph(s). Three (3) sets of photographs and a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)" are attached. 37 C.F.R. § 1.84(b).

☐ The enclosed drawing(s) are in color. Three (3) sets of color drawings and a "PETITION TO ACCEPT COLOR DRAWING(S)" are attached. 37 C.F.R. §§ 1.84(a)(2) and 1.84(b).

☐ formal

☐ informal

B. Other Papers Enclosed

_____ Pages of declaration and power of attorney

_____ Pages of abstract

_____ Other

4. Additional papers enclosed

☐ Amendment to claims

☐ Cancel in this applications claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☒ Preliminary Amendment

☒ Information Disclosure Statement (37 C.F.R. § 1.98)

☒ Form PTO–1449 (PTO/SB/08A and 08B)

☒ Citations

☐ Declaration of Biological Deposit

☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

☐ Special Comments

☐ Other

5. Declaration or oath (including power of attorney)

NOTE: A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)–(3).

NOTE: A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name including family name and at least one given name, without abbreviation together with any other given name or initial, and the residence, post office address and country or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)–(4).

NOTE: "The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.62, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors." 37 C.F.R. § 1.41(a)(1).

☐ Enclosed

Executed by

(check **all** applicable boxes) —

☐ inventor(s).

☐ legal representative of inventor(s).
37 C.F.R. §§ 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.

☒ Not Enclosed.

NOTE: Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

☒ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).

☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. § 1.41(d))

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

    ☐ is submitted.

    ☐ will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of $130.00 required by 37 C.F.R. § 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. § 1.52(d).

☒ English

☐ Non-English

    ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. Assignment

☒ An assignment of the invention to <u>Protein Technologies INternational, Inc.</u>

    ☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

    ☒ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

☒ This is a ☒ continuation ☐ divisional application and the assignment document for the parent application 08 /<u>996,976</u> was filed on <u>12/23/97</u>.

Reel _____

Frame _____

(New Application Transmittal [4-1]—page 5 of 11)

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

☐ is (are) attached.

☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. § 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. § 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. § 1.16)

A. ☐ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) $710.00
Total Claims (37 C.F.R. § 1.16(c)) 108	− 20 = 88	× $ 18.00	1,584.00
Independent Claims (37 C.F.R. § 1.16(b)) 3	− 3 = 0	× $ 80.00	0
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		+ $270.00	

☒ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing Fee Calculation $ 2,294.00

B. ☐ Design application
($310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation $ _____

C. ☐ Plant application
($480.00—37 C.F.R. § 1.16(g))

Filing fee calculation $ _____

11. Small Entity Statement(s)

☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

WARNING: *"Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. § 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 1.28(a)(2).*

WARNING: *"Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P., § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).*

(complete the following, if applicable)

☐ Status as a small entity was claimed in prior application

_____ / _____, filed on _____, from which benefit is being claimed for this application under:

35 U.S.C. § ☐ 119(e),
             ☐ 120,
             ☐ 121,
             ☐ 365(c),

and which status as a small entity is still proper and desired.

☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of **A, B** or **C** above)

$ _____

NOTE: Any excess of the full fee paid will be refunded if small entitiy status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, if applicable)

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. **Fee Payment Being Made at This Time**

☐ Not Enclosed

    ☐ No filing fee is to be paid at this time.
    (This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

    ☒ Filing fee $2,294.00

    ☐ Recording assignment
    ($40.00; 37 C.F.R. § 1.21(h))
    (See attached "COVER SHEET FOR
    ASSIGNMENT ACCOMPANYING NEW
    APPLICATION".) $

    ☐ Petition fee for filing by other than all the
    inventors or person on behalf of the inventor
    where inventor refused to sign or cannot be
    reached
    ($130.00; 37 C.F.R. §§ 1.47 and 1.17(i)) $

    ☐ For processing an application with a
    specification in
    a non-English language
    ($130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k)) $

    ☐ Processing and retention fee
    ($130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l)) $

    ☐ Fee for international-type search report
    ($40.00; 37 C.F.R. § 1.21(e)) $

NOTE: *37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(l) must be paid, within 1 year from notification under § 53(f).*

                Total fees enclosed $ 2,294.00

14. **Method of Payment of Fees**

☐ Attached is a ☐ check ☐ money order in the amount of $ _____

☐ Authorization is hereby made to charge the amount of $ _____

    ☒ to Deposit Account No. _50-0421_

    ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

    A duplicate of this paper is attached.

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☒ The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

    ☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

    ☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

    ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

    ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

    ☐ 37 C.F.R. § 1.17 (application processing fees)

NOTE: ". . .A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

    ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . " From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).
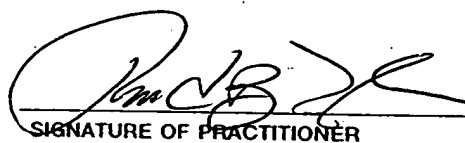
☒ Credit Account No. 50-0421

☐ Refund

Reg. No. 37,248

Tel. No. (314) 982-3004

Customer No.

SIGNATURE OF PRACTITIONER

Richard B. Taylor

(type or print name of attorney)

P. O. Box 88940

P.O. Address

St. Louis, MO 63188

(New Application Transmittal [4-1]—page 10 of 11)

☒ **Incorporation by reference of added pages**

> *(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____3_____

☒ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____223_____

☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

> *(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

☐ This transmittal ends with this page.

ADDED PAGE(S) FOR SPECIAL COMMENTS FOR NEW APPLICATION TRANSMITTAL

Added page_____

23. Small Entity (37 C.F.R. § 1.28(a))

☐ Applicant has established small entity status by the filing of a statement in parent application _____/_____ on _____.

☐ A copy of the statement previously filed is included.

WARNING: *See 37 C.F.R. § 1.28(a).*

WARNING: *"Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P. § 509.03, 7th ed. (emphasis added).*

24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

☒ A notification of the filing of this

(check one of the following)

☐ continuation

☒ continuation-in-part

☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.